S.B. CIVIL WRIT PETITION NO.2730/2005

Laxmi Narain PUrohit Vs. State of Raj. and others.

Date : 19.5.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. SS Rajpurohit, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is seeking a direction against the respondents for removal of pipeline which the respondents had already laid down long ago. The petitioner is also apprehending that the respondents may interfere in peaceful possession of the petitioner over his agriculture land.

It appears from the facts and documents placed on the record itself that the pipeline was laid down in the knowledge of the petitioner and he himself submitted a representation in the month of December, 2004. The petitioner preferred writ petition in the month of April, 2005 without explaining any sufficient reason for not approaching the court if he had any grievance at the time of laying down the pipeline. However, the petitioner's contention now is that the respondents have no right to lay down the pipeline and further that the pipeline has not been laid down where it could have been laid and the respondents have diverted the way of pipeline.

In view of the above, substantially there is no

objection of the petitioner about the respondents' right to laying down the pipeline as the respondents have laid down the pipeline. The contention of the petitioner that the respondents may interfere with the peaceful possession of the petitioner over the land in question.

I do not find that such matter can be enquired in writ jurisdiction and appropriate remedy for that is a suit only where the allegations of the petitioner can be looked into and in this writ petition, there appears to be no material to hold that the respondents want to interfere in the entire land of the petitioner.

The contention of the petitioner that no prior information was given is a misplaced argument because of the simple reason that this cannot be a ground to raise grievance when the petitioner now has no grievance about laying down pipeline by the respondents and this objection does not survive any more. The pipeline has already been laid down and the same cannot be removed only on the ground that the petitioner was not informed in advance before laying down the pipeline.

In view of the above discussion, I do not find any merit in this writ petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya